

Environmental Protection Agency

§ 52.2320

1990 base year emissions inventory for the Houston/Galveston areas.

[59 FR 55589, Nov. 8, 1994, as amended at 63 FR 6663, Feb. 10, 1998; 63 FR 62947, Nov. 10, 1998; 66 FR 20751, Apr. 25, 2001]

§ 52.2311 Motor vehicle antitampering.

The State of Texas submitted revisions to the State Implementation Plan for 30 TAC Chapter 114, sections 114.1 "Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles" and 114.5 "Exclusions and Exceptions" on February 24, 1989, and September 6, 1990, and July 13, 1993. The EPA disapproved these revisions that relate to Statewide antitampering provisions and exemptions to antitampering provisions for motor vehicles or motor vehicle engine emission control systems because the State's antitampering rules are not consistent with the Act, section 203(a)(3) and EPA's tampering prohibitions as outlined in EPA's antitampering enforcement policy, Mobile Source Enforcement Memorandum No. 1A.

[63 FR 6653, Feb. 10, 1998]

Subpart TT—Utah

§ 52.2320 Identification of plan.

(a) Title of plan: "Utah Implementation Plan."

(b) The plan was officially submitted on January 25, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Clarifications of the plan relating to particulate regulations, CO and NO₂ control strategies, new source review, emergency episodes, availability of emission data, and source surveillance submitted May 18, 1972, by State Division of Health.

(2) Revision of State new source review regulation, section 1.3.3 of the Utah Code of Air Conservation Regulations, submitted on September 13, 1972, by the Governor.

(3) Transportation control plan submitted April 13, 1973, by the Governor.

(4) Reenacted legislation providing for public availability of emission data submitted on June 13, 1974, by the State Division of Health.

(5) The Revised Utah Air Conservation Regulations on July 10, 1975, by the Governor.

(6) Provisions to meet the requirements of Part D and other sections of the Clean Air Act, as amended in 1977, were submitted on December 28, 1978, by the Governor.

(7) On November 5, 1979, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR part 58, subpart C, § 58.20.

(8) Provisions to meet the transportation control requirements of Part D and other sections of the Clean Air Act, as amended in 1977, were submitted on November 5, 1979, and August 11, 1980, by the Governor.

(9) Provisions to meet the requirements of Part D for particulates and to attain the national standard for lead were submitted on March 11, 1980, July 25, 1980, November 13, 1980, December 26, 1980, and April 8, 1981.

(10) Provisions to meet the requirements of Part C of the Clean Air Act, as amended in 1977, were submitted on August 17, 1981.

(11) Provisions to meet the requirements of section 127 and Part D for carbon monoxide and ozone were submitted on August 11, 1980.

(12) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for particulates and volatile organic compounds, were submitted on April 8, 1981.

(13) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for particulates were submitted on March 1, 1982.

(14) A revision to the definition of volatile organic compound was submitted on April 29, 1982.

(15) Provisions to meet the requirements of Part D of the Clean Air Act, as amended in 1977, for carbon monoxide in Provo and Ogden, Utah were submitted on September 20, 1982.

(16) Additional information regarding stack monitoring at the main stack at the Kennecott Copper Smelter in Salt Lake City was submitted on December 27, 1982, and February 3, 1984.

(17) Provision to meet the requirements of Part D of the Clean Air Act as amended in 1977 providing for implementing automobile inspection and

maintenance in Salt Lake and Davis Counties were submitted on December 9, 1983, December 19, 1983, February 6, 1984, and March 1, 1984. A revision providing for the commitment to adopt regulations for VOC sources covered by future CTG's (Group III) was submitted on February 6, 1984.

(18) A revision to the SIP was submitted by the Governor for attainment of the SO₂ standard on August 17, 1981. Additional submittals January 25, 1983, and September 5, 1984.

(19) A revision to the SIP was submitted by the Governor on April 26, 1985, for visibility monitoring and new source review.

(i) Incorporation by reference.

(A) Letter dated April 26, 1985, from Governor Norman Bangerter submitting the Utah Visibility SIP and Regulations.

(B) The Visibility SIP and the Utah Air Conservation Regulations 1.1.7 and 3.11.1 were adopted on April 15, 1985 referred to in the Governor's letter as April 12, 1985.

(20) A revision to the SIP was submitted by the Governor on December 12, 1985, for attainment of the CO standard in Utah County.

(i) Incorporation by reference.

(A) Letter and attachments dated December 12, 1985, from Governor Norman H. Bangerter submitting the SIP Revision for attainment of NAAQS for CO in Utah County. The attachments included Section 9, Part C; Section 9, Appendices A, C, H, and I; and Technical Support Document—Provo.

(ii) Additional material.

(A) Letter dated May 8, 1986, from Brent C. Bradford to Irwin Dickstein; Re: Response to questions on I/M with anti-tampering program.

(B) Letter and attachment dated May 15, 1986, from Brent Bradford to Irwin Dickstein transmitting Appendix D of the Technical Support Document.

(21) A revision to the SIP was submitted by the Governor on December 11, 1987, for visibility general plan requirements and long-term strategies.

(i) Incorporation by reference.

(A) Letter dated December 2, 1988, from the Utah Bureau of Air Quality to the U.S. Environmental Protection Agency, Region VIII.

(B) A revised section 16, Visibility Protection, of the Utah SIP was adopted on November 12, 1987, except for the first three paragraphs of §16.1, the fifth and sixth paragraph of §16.4, and the second and third paragraphs of §16.5.

(22) In a letter dated May 2, 1986, the Governor submitted revisions to the Utah Air Conservation Regulations addressing GEP stack heights/dispersion techniques and a new Section 17 to the SIP addressing GEP stack height demonstration analysis.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations adopted April 18, 1986. The revisions consist of adding stack height definitions (UACR 1.1.128 through UACR 1.1.133) and updating stack height exemptions (UACR 3.8).

(B) Stack height demonstration analysis submitted by the State in a letter dated May 2, 1986.

(23) On May 2, 1991 the Governor of Utah submitted revisions to the plan. The revisions include amendments to the prevention of significant deterioration (PSD) portion of the plan to incorporate the nitrogen dioxide (NO₂) increments, and several "housekeeping" changes to definitions, new source review, and PSD regulations.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations, section R446-1-1, Foreword and Definitions, section R446-1-3, Control of Installations, and section R446-2-1, Utah State Implementation Plan Incorporation by Reference, effective January 1, 1991.

(B) Letter dated May 1, 1991, from Kenneth Hansen of the Utah Division of Administrative Rules to Dave McNeill of the Utah Bureau of Air Quality, confirming a codification change to paragraph R446-1-3.6.5, effective May 1, 1991. This letter contains a reprinted version of R446-1-3.6.5.

(ii) Additional material.

(A) February 26, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Conservation Committee, to Douglas M. Skie, EPA, transmitting administrative materials for the SIP revision.

(B) May 2, 1991, letter from Norman H. Bangerter, Governor, State of Utah, to James J. Scherer, EPA. Official SIP

submittal, transmitting the SIP narrative modifying section 8, Prevention of Significant Deterioration, and other administrative materials.

(24) On May 4, 1990, and July 25, 1991, the Governor of Utah submitted revisions to the plan. The revisions include amendments to the ozone nonattainment area regulations for stationary sources of volatile organic compounds (VOCs), contained within Regulation R446-1-4.9 of the Utah Air Conservation Regulations, "Emission Standards. Non-Attainment Area Requirements—Ozone," and the definitions applicable to the VOC regulations, contained within Regulation R446-1-1, "Foreward and Definitions." The amendments were made to conform Regulations R446-1-1 and R446-1-4.9 to statutory requirements for application of reasonably available control technology (RACT) to stationary sources of VOC's, as required by section 182(a)(2)(A) of the 1990 Clean Air Act, and to improve the clarity and enforceability of the regulations.

(i) *Incorporation by reference.* (A) Revisions to the following Utah Air Conservation Regulations, Section R446-1-1, Foreward and Definitions, effective January 1, 1991: R446-1-1.10, 1.16, 1.40, 1.60, 1.109, 1.126, 1.140, 1.150, 1.151, 1.159, 1.160, 1.161, 1.162, 1.163, 1.164, 1.165, 1.166, 1.167, 1.168, 1.169, 1.170, 1.171, 1.172, 1.173, 1.174, 1.175, 1.176, 1.177, 1.178, 1.180, 1.182, 1.183, 1.184.

(B) Revisions to the following rules of R446-1-4.9, *Emission Standards. Non-Attainment Area Requirements—Ozone*, effective June 15, 1991: 4.9.A through 4.9.E were added (disposal of VOCs; requirements for EPA concurrence on alternative test methods, alternative methods of control, alternative compliance periods, alternative emission limits, or alternative monitoring schedules; recordkeeping and reporting requirements; RACT requirements for major non-CTG sources; "once-in, always-in" requirements; and allowance for exclusion of non-reactive VOC's); revisions to 4.9.1 (Petroleum Liquid Storage), 4.9.2 (Gasoline Transfer/Storage), 4.9.3 (Control of Hydrocarbon Emissions in Refineries), 4.9.4 (Degreasing and Solvent Cleaning Operations), 4.9.5 (Cutback Asphalt), 4.9.6 (Volatile Organic Compounds Used for

Coating Paper, Fabric, Vinyl, Metal Furniture, Large Appliances, Magnet Wire, Flat Wood Paneling, Miscellaneous Metal Parts and Products, and Graphic Arts), 4.9.7 (Perchloroethylene Dry Cleaning Plants), 4.9.8 (Compliance Schedule); 4.9.9 (Compliance Schedule) was deleted.

(ii) *Additional material.* (A) May 9, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Conservation Committee, to Douglas Skie, EPA. This letter provided final changes to R446-1-4.9, indicated that these changes would become effective on June 15, 1991, and indicated that the State would submit the Ozone SIP revision package to EPA after the changes become effective.

(B) July 25, 1991, letter from Norman H. Bangerter, Governor, State of Utah, to James Scherer, EPA. Official SIP submittal, transmitting revised Regulation R446-1-4.9, and other administrative materials. This letter provided a negative declaration for seven CTG source categories: large petroleum dry cleaners, manufacturers of high density polyethylene, polypropylene, polystyrene resins, manufacturers of synthesized pharmaceutical products, manufacturers of pneumatic rubber tires, natural gas/gas processing plants, and synthetic organic chemical manufacturing industries (SOCMI) with fugitive emissions and/or air oxidation processes.

(C) September 5, 1991, letter from F. Burnell Cordner, Executive Secretary, Utah Air Quality Board, to James Scherer, EPA. This letter provided a negative declaration for three CTG source categories: surface coating of cans, surface coating of metal coils, and surface coating of automobiles and light duty trucks.

(D) January 30, 1992, letter from F. Burnell Cordner, Executive Secretary, Utah Air Quality Board, to Doug Skie, EPA. This letter contained the State's commitment to conduct capture efficiency testing using the most recent EPA capture efficiency protocols, and the commitment to adopt federal capture efficiency test methods after they are officially promulgated by EPA.

(25) The Governor of Utah submitted a PM₁₀ State Implementation Plan (SIP) for Salt Lake and Utah Counties,

Utah with a letter dated November 15, 1991. The submittals were made to satisfy those moderate PM₁₀ nonattainment area SIP requirements due for Salt Lake and Utah Counties as outlined in the Clean Air Act of 1990. The Governor's submittal also included revisions to the Utah Air Quality Rules and to other sections of the State-wide SIP. The Utah Air Conservation Regulations have been revised and renumbered over the past decade and are being replaced in its entirety with this Governor's submittal.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, printed January 27, 1992.

(B) Utah State Implementation Plan, Section 1-7 and 10-15, effective March 31, 1992.

(C) Utah State Implementation Plan, Section 9, Part A and Section 9, Part A, Appendix A effective August 14, 1991.

(26) On November 9, 1992, Norman Bangerter, the Governor of Utah, submitted a SIP revision to the Utah Implementation Plan and Utah Air Conservation Regulations. This revision establishes and requires the implementation of oxygenated fuel programs in Provo-Orem and Salt Lake-Ogden Metropolitan Statistical Areas as required by section 211(m) of the Clean Air Act Amendments of 1990.

(i) Incorporation by reference.

(A) R307-8; Oxygenated Gasoline Program, of the Utah Air Conservation Regulations as adopted by the State, effective December 16, 1993.

(ii) Additional materials.

(A) Letter dated November 9, 1992, from Governor Norman Bangerter submitting the oxygenated gasoline program SIP revision.

(B) Letter dated May 19, 1994, from Governor Michael O. Leavitt submitting the oxygenated gasoline program SIP revision.

(27) The Governor of Utah submitted a Section 16, Stack Height Demonstration and Section 9, Part B, Sulfur Dioxide of the Utah State Implementation Plan (SIP) a letter dated December 23, 1991, and May 15, 1992, respectively. The Governor's submittal also included statewide SO₂ regulations.

(i) Incorporation by reference.

(A) Utah State Implementation Plan, Section 16, effective December 16, 1991.

(B) Utah State Implementation Plan, Section 9, Part B effective June 15, 1992.

(C) Utah Air Conservation Regulations, R307-1-4. Emission Standards: changes to 4.2 Sulfur Content of Fuels and 4.6.2, effective June 15, 1992.

(28) On November 12, 1993, the Governor of Utah submitted revisions to its permitting requirements to satisfy the nonattainment new source review provisions in the amended Clean Air Act for all of its nonattainment areas. On May 20, 1994, the Governor of Utah submitted a revision to Utah's definition of volatile organic compounds.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, R307-1-1, the forward and the following definitions: "air contaminant," "air contaminant source," "air pollution," "allowable emissions," "ambient air," "best available control technology (BACT)," "board," "department," "dispersion technique," "emission limitation," "executive director," "executive secretary," "major modification," "major source," "PM-10 precursor," "person," "temporary," and "volatile organic compound (VOC);" effective November 15, 1993, printed June 24, 1994.

(B) Utah Air Conservation Regulations, R307-1-3.1.8, R307-1-3.1.10, and R307-1-3.3; effective August 16, 1993, printed May 26, 1994.

(ii) Additional material.

(A) Letter dated October 18, 1994 from Russell A. Roberts to Douglas M. Skie clarifying applicability of Utah's nonattainment new source review permitting requirements.

(29) Revisions to the Utah State Implementation Plan for the 1990 Carbon Monoxide Base Year emission inventories for Ogden City, Salt Lake City, and Utah County were submitted by the Governor in a letter dated July 11, 1994.

(i) Incorporation by reference.

(A) Carbon Monoxide 1990 Base Year Emission Inventories for Ogden City, Utah SIP, Section IX, Part C.3., Table IX.C.5; Salt Lake City, Utah SIP, Section IX, Part C.3., Table IX.C.4; and Utah County, Utah SIP, Section IX, Part C.6., Table IX.C.10 all of which became effective on August 31, 1994.

(30) On November 9, 1992, the Governor of Utah submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Utah State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Utah Code, Title 19, Chapter 2, Air Conservation Act, Sections 19-2-109.1 and 19-2-109.2, to establish and fund a small business stationary source technical and environmental compliance assistance program, effective April 27, 1992.

(ii) Additional materials.

(A) November 9, 1992 letter from the Governor of Utah submitting a Small Business Assistance Program plan to EPA.

(B) The State of Utah plan for the establishment and implementation of a Small Business Assistance Program, promulgated September 30, 1992 by the Utah Air Quality Board, effective December 1, 1992.

(31) On February 1, 1995, the Governor of Utah submitted revisions to the prevention of significant deterioration permitting regulations in R307-1-1 and R307-1-3 of the Utah Air Conservation Regulations to incorporate changes in the Federal PSD permitting regulations for PM-10 increments and to make other minor, administrative changes.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations, R307-1-1, the definitions of "baseline area," "baseline date," "net emissions increase," and "significant," effective 9/22/94, printed 10/24/94.

(B) Revisions to the Utah Air Conservation Regulations, R307-1-3, Sections 3.6.2.B, 3.6.2.D, 3.6.2.E, 3.6.3.A, 3.6.3.B, 3.6.3.D.(2) and (3), 3.6.4.A.(1), 3.6.4.C, 3.6.4.D, 3.6.5.A, 3.6.5.B.(1)(a), 3.6.5.C, 3.6.5.D, 3.6.5.E, 3.6.5.F, and 3.6.6, effective 10/1/94, printed 10/24/94.

(32)-(33) [Reserved]

(34) Revisions to the Utah State Implementation Plan for the Emission Statement Inventory regulation, UACR R307-1-3.5.4., revision of the ozone nonattainment area designation definition, UACR R307-1-3.3.3C, and other minor changes to definitions in UACR R307-1-1, were submitted by the Gov-

ernor in a letter dated November 12, 1993.

(i) Incorporation by reference.

(A) Emission Statement Inventory regulation, UACR R307-1-3.5.4, ozone nonattainment area designation definition, UACR R307-1-3.3.3C, and the following definitions in UACR R307-1-1.; "Control Apparatus", "Emissions Information", "Peak Ozone Season", "Process Level", and "Process Rate". All were adopted on August 4, 1993, and became effective on November 15, 1993.

(B) A letter dated May 30, 1995, from Russell Roberts, Director, Utah Division of Air Quality to Douglas Skie, Chief, Air Programs Branch for Region 8.

(35) [Reserved]

(36) The Governor of Utah submitted a revision to Utah's State Implementation Plan (SIP) for Visibility Protection with a letter dated July 25, 1996. The revision was made to add a new subsection 15.10 to the SIP to include a policy statement regarding scenic views which was deleted from the Utah Air Conservation Regulations.

(i) Incorporation by reference.

(A) Utah State Implementation Plan, Subsection 15.10, Policy of the Air Conservation Committee Concerning the Protection of Scenic Views Associated with Mandatory Class I Areas from Significant Impairment for Visibility, adopted on March 26, 1993, and effective on March 29, 1993.

(ii) Additional material.

(A) A July 25, 1996 letter from Michael O. Leavitt, Utah Governor, to Jack McGraw, EPA Region VIII Acting Regional Administrator, in which it was communicated, among other things, that the Utah Air Quality Board deleted R307-5 from the Utah Air Conservation Regulations. The deletion was effective March 29, 1993.

(37) On November 20, 1996, the Governor of Utah submitted a revision to the Utah State Implementation Plan. The submittal included a new Utah regulation which incorporates by reference the Federal new source performance standards in 40 CFR part 60, as in effect on March 12, 1996.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations, R307-18-1, "Standards of Performance for New Stationary Sources

(NSPS),” effective September 9, 1996, printed October 19, 1996.

(38) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County; Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County; Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County; UACR R307-1-3.3.3.C., a portion of Control of Installations; UACR R307-1-3.5.3.B.(1), a portion of Emission Statement Inventory; all as submitted by the Governor on February 19, 1997. EPA approved the above provisions. In addition, EPA approved, for the limited purpose of strengthening the SIP, revisions to UACR R307-14, Requirements for Ozone Nonattainment Areas and Davis and Salt Lake Counties, as submitted by the Governor on February 6, 1996.

(i) Incorporation by reference.

(A) UACR R307-2-13 adopted by the Utah Air Quality Board on January 8, 1997, effective March 4, 1997, including Section IX, Part D.2 of the Utah State Implementation Plan (SIP) that such rule incorporates by reference (Ozone Maintenance Provisions for Salt Lake and Davis Counties, adopted by the Utah Air Quality Board on January 8, 1997), and excluding any other provisions that such rule incorporates by reference.

(B) The following State Approval Orders (AO): Pacificorp Gadsby Power Plant AO DAQE-0063-94 dated February 3, 1994, Kennecott Utah Copper Utah Power Plant AO DAQE-433-94 dated May 27, 1994, Hill Air Force Base (HAFB) AO DAQE-163-96 dated February 9, 1996, HAFB AO DAQE-1134-95 dated December 7, 1995, HAFB AO DAQE-860-95 dated September 20, 1995, HAFB AO DAQE-775-95 dated August 30, 1995, HAFB AO DAQE-403-95 dated May 8, 1995, HAFB AO DAQE-067-95 dated January 31, 1995, HAFB AO DAQE-068-95 dated January 30, 1995, HAFB AO DAQE-915-94 dated October 18, 1994, HAFB AO DAQE-824-94 dated September 29, 1994, HAFB AO DAQE-

0752-93 dated August 27, 1993, HAFB AO DAQE-0719-93 dated August 20, 1993, HAFB AO DAQE-0103-93 dated February 11, 1993, HAFB AO DAQE-1171-92 dated January 4, 1993, HAFB AO DAQE-416-92 dated April 28, 1992, HAFB AO DAQE-167-92 dated February 19, 1992, HAFB AO DAQE-894-91 dated November 25, 1991, HAFB AO BAQE-039-91 dated February 7, 1991, HAFB AO BAQE-669-88 dated December 20, 1988, HAFB AO BAQE-525-88 dated October 13, 1988, HAFB AO BAQE-353-88 dated July 21, 1988, HAFB AO BAQE-026-88 dated January 20, 1988, HAFB AO for Industrial Wastewater Treatment Facility dated February 20, 1986, HAFB AO for Hydrazine Exhaust Incinerator dated February 5, 1985, HAFB AO for Paint Booth, HVAC Modification, Standby Generators, and Fuel Storage dated July 18, 1983, HAFB AO for Remodeling Base Exchange BX Service Station dated July 12, 1979, HAFB AO for Construction dated June 27, 1978, and the Olympia Sales Company AO DAQE-300-95 dated April 13, 1995.

(C) UACR R307-2-18, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part A of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, General Requirements and Applicability.

(D) UACR R307-2-31, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part B of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Davis County.

(E) UACR R307-2-32, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part C of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Salt Lake County.

(F) UACR R307-2-34, adopted by the Utah Air Quality Board on February 5, 1997, effective February 14, 1997. This rule incorporates by reference Section X, Part E of the Utah State Implementation Plan, Vehicle Inspection and Maintenance Program, Weber County.

(G) UACR R307-1-3.3.3.C., a portion of Control of Installations, as adopted by

the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.

(H) UACR R307-1-3.5.3.B.(1), a portion of Emission Statement Inventory regulation, as adopted by the Utah Air Quality Board on January 8, 1997, effective January 15, 1997.

(I) UACR R307-14-1, Requirements for Ozone Nonattainment Areas and Davis and Salt Lake Counties, adopted by the Utah Air Quality Board on August 9, 1995, effective on August 15, 1995.

(39) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide as submitted by the Governor on December 6, 1996 (with minor mathematical corrections submitted by the Utah Division of Air Quality on August 12, 1998), excluding Section IX, Part C.7.f.(3) of the plan, "Emissions Credit Allocation," as EPA is not taking any action on that section of the plan. UACR R307-1-3.3 Requirements for Nonattainment and Maintenance Areas—New and Modified Sources; as submitted by the Governor on November 24, 1995.

(i) Incorporation by reference.

(A) UACR R307-2-12, adopted by the Utah Air Quality Board on August 7, 1996 and September 4, 1996, effective November 1, 1996, as modified through a notice of nonsubstantive rule change dated July 14, 1998, effective July 27, 1998, to correct minor mathematical errors in Section IX, Part C.7.f.(2) of the Utah State Implementation Plan (SIP). UACR R307-2-12 incorporates by reference a number of provisions of the Utah SIP, only some of which are relevant to this rulemaking action. EPA's incorporation by reference of UACR R307-2-12 only extends to the following Utah SIP provisions and excludes any other provisions that UACR R307-2-12 incorporates by reference:

Section IX, Part C.7 (except for Section IX, Part C.7.f.(3)), Carbon Monoxide Maintenance Provisions for Salt Lake City, adopted by Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996, as modified by the nonsubstantive rule change noted above.

(B) UACR R307-1-3.3, a portion of Requirements for Nonattainment and Maintenance Areas—New and Modified Sources, as adopted by the Utah Air

Quality Board on October 4, 1995, December 6, 1995, effective January 31, 1996.

(ii) Additional material.

(A) February 19, 1998, letter from Ursula Trueman, Director, Utah Division of Air Quality, Department of Environmental Quality to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, entitled "DAQS-0188-98; Technical Support Documents—Ogden City and Salt Lake City CO Maintenance Plans." This letter confirmed that all the emission projections, contained in the technical support documents for both the Salt Lake City and Ogden City redesignation requests, were properly adopted by the Utah Air Quality Board in accordance with the Utah Air Quality Rules.

(B) Materials from Jan Miller, Utah Division of Air Quality, Department of Environmental Quality, received by Tim Russ, Air and Radiation Program, EPA Region VIII, displaying the minor mathematical corrections to the on-road mobile source emission budgets in Section IX, Part C. 7.f.(2) of the Salt Lake City CO Maintenance Plan. These nonsubstantive changes were made in accordance with the Utah Air Quality Rules and were effective July 27, 1998.

(40) The Governor of Utah submitted revisions to the Utah State Implementation Plan to revise Utah's definition of a volatile organic compound (VOC) and to include nonsubstantive wording changes regarding VOC emissions from air strippers and soil venting operations. The revisions to the VOC definition, found in UACR R307-1-1, were submitted by the Governor on November 8, 1995, February 12, 1996, November 20, 1996, May 15, 1997, and June 10, 1998. The revisions submitted November 8, 1995, February 12, 1996, November 20, 1996, and May 15, 1997, deleted volatile methyl siloxanes, parachlorobenzotrifluoride (PCBTF), acetone, perchloroethylene (PERC), HFC 43-10mee, HCFC 225ca and HCFC 225cb from the definition of VOCs. The June 10, 1998 submittal incorporated the deletion of 16 more pollutants from the federal list that were determined to have a negligible contribution to tropospheric ozone formation; the compounds are: HFC-32, HFC-161, HFC-236fa, HFC-245ca, HFC-245ea, HFC-

245eb, HFC-245fa, HFC-236ea, HFC-365mfc, HCFC-31, HCFC-123a, HCFC-151a, $C_4F_9OCH_3$, $(CF_3)_2CFCF_2OCH_3$, $C_4F_9OC_2H_5$, and $(CF_3)_2CFCF_2OC_2H_5$ (compound names only are listed here, refer to 62 FR 44901, August 25, 1997 for the chemical name and 62 FR 44903, August 25, 1997 for the complete list of exempted VOCs). A second February 12, 1996 Governor's submittal contained minor wording revisions which were made to UACR R307-6-1 regarding VOC emissions from air strippers and soil venting operations. The revision submitted November 20, 1996 also repealed UACR R307-14-8 which had addressed requirements for perchloroethylene dry cleaning plants located in ozone non-attainment and maintenance areas.

(i) Incorporation by reference.

(A) UACR R307-1-1, a portion of Foreword and Definitions, definition of VOC, as adopted by the Utah Air Quality Board on January 7, 1998, effective January 8, 1998.

(B) UACR R307-6, a portion of *De minimis* Emissions from Air Strippers and Soil Venting Projects, nonsubstantive wording changes, effective October 1, 1995.

(41) On July 11, 1994 the Governor of Utah submitted revisions to the Utah State Implementation Plan (SIP) to revise the definition for "Sole Source of Heat" under UACR R307-1-1, "Foreword and Definitions," to allow the exemption of those households with small portable heating devices from mandatory no-burn periods. This revision also made changes to the residential woodburning regulations under UACR R307-1-4.13.3 "No-Burn Periods," which specifies the actions which must be taken if contingency measures are implemented in the Salt Lake, Davis or Utah County nonattainment areas. These plans were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional Administrator. EPA returned the portions of these plans with a letter to the Governor on January 29, 1999. A nonsubstantive change was made in this section as a result of the revision which moves section 4.13.3 D to section 4.13.3.E; this change was also approved by EPA. On February 6, 1996 the Governor of Utah submitted revisions to the Utah State Implementation Plan

to revise Utah's open burning regulations, under UACR R307-1-2.4, to require that the local county fire marshal establish 30-day open burning windows during the spring and fall closed burning seasons in areas outside of Salt Lake, Davis, Weber, and Utah Counties as granted by the state forester. There were also minor changes made to the open burning regulations under UACR R307-1-2.4, "General Burning" and minor changes made to UACR R307-1-2.5 "Confidentiality of Information." On July 9, 1998 the Governor of Utah submitted revisions to the Utah SIP to add a definition for "PM₁₀ Nonattainment Area," under UACR R307-1-1, "Foreword and Definitions."

(i) Incorporation by reference.

(A) UACR R307-1-1, a portion of "Foreword and Definitions," revision of definition for "Sole Source of Heat," as adopted by Utah Air Quality Board on December 9, 1993, effective on January 31, 1994.

(B) UACR R307-1-4, a portion of "Emissions Standards," as adopted by Utah Air Quality Board on December 9, 1993, effective on January 31, 1994.

(C) UACR R307-1-2, a portion of "General Requirements," open burning changes and nonsubstantive wording changes, as adopted by Utah Air Quality Board on September 6, 1995, effective on October 31, 1995.

(D) UACR R307-1-1, a portion of "Foreword and Definitions," addition of definition for "PM₁₀ Nonattainment Area," as adopted by Utah Air Quality Board on January 7, 1998, effective on January 8, 1998.

(ii) Additional Material.

(A) July 20, 1998, fax from Jan Miller, Utah Department of Air Quality, to Cindy Rosenberg, EPA Region VIII, transmitting Utah Code 65A-8-9, regarding closed fire seasons.

(B) October 21, 1998, letter from Richard R. Long, Director, EPA Air and Radiation Program, to Ursula Trueman, Director, Utah Division of Air Quality, requesting that Utah withdraw the submitted Salt Lake and Davis County PM₁₀ Contingency Measure SIP revisions, the Utah County PM₁₀ Contingency Measure SIP revisions, and the Residential Woodburning in Salt Lake, Davis and Utah Counties PM₁₀ Contingency Measure SIP revision.

(C) November 9, 1998, letter from the Governor of Utah, to William Yellowtail, EPA Region VIII Administrator, requesting that the submitted Salt Lake and Davis County and Utah County PM₁₀ Contingency Measure SIP revisions and the Residential Woodburning in Salt Lake, Davis and Utah Counties PM₁₀ Contingency Measure SIP revision be withdrawn.

(D) December 16, 1998, letter from Larry Svoboda, EPA Region VIII, to Ursula Trueman, Utah Department of Air Quality, clarifying revisions that were made to UACR R307-1-4.

(E) January 5, 1999, letter from Ursula Trueman, Utah Department of Air Quality, to William Yellowtail, EPA Region VIII Administrator, concurring on EPA's clarification of revisions that were made to UACR R307-1-4.

(F) January 29, 1999, letter from William Yellowtail, EPA Region VIII Administrator, to the Governor of Utah returning the Salt Lake and Davis County and Utah County PM₁₀ Contingency Measure SIP revisions and the Residential Woodburning in Salt Lake, Davis and Utah Counties PM₁₀ Contingency Measure SIP revision.

(42) On February 12, 1996, the Governor of Utah submitted revisions submitted revisions to the SIP that incorporate the General Conformity requirements of 40 CFR part 93, subpart B into the SIP and State regulation.

(i) Incorporation by reference.

(A) UACR R307-2-30, Section XXII, General Conformity, as adopted on October 4, 1995, effective October 12, 1995.

(B) UACR R307-19, General Conformity, as adopted on October 4, 1995, effective October 12, 1995.

(43) On February 1, 1995 the Governor of Utah submitted revisions to the Utah SIP to revise the provisions for road salting and sanding in Section 9, part A of the SIP and in UACR R307-1-3, updating the incorporation by reference in R307-2-1, deleting obsolete measures for nonferrous smelters in R307-1-3, and making nonsubstantive changes to UACR R307-1-1 and R307-1-3.

(i) Incorporation by reference.

(A) UACR R307-1-3, a portion of "Control of Installations," revisions to road salting and sanding requirements and deletion of non ferrous smelter or-

ders, as adopted by Utah Air Quality Board on November 5, 1993, effective on January 3, 1994.

(B) UACR R307-2-1, "Incorporation by Reference," revised date for incorporation by reference of the State Implementation Plan, as adopted by Utah Air Quality Board on January 31, 1994.

(C) UACR R307-1-1, "Foreword and Definitions," nonsubstantive change made to definition of "PM₁₀ precursor," effective on June 1, 1994.

(D) UACR R307-1-3, "Control of Installations," nonsubstantive changes to road salting and sanding, effective on June 1, 1994.

(ii) Additional Material.

(A) February 22, 1999 letter from Ursula Trueman, Director, Utah Division of Air Quality, to Richard Long, Director, EPA Region VIII Air and Radiation Program, transmitting nonsubstantive change correction to R307-2-1, "Incorporation by Reference," that was left out of the February 1, 1995 SIP submittal.

(B) March 16, 1999 letter from Larry Svoboda, Unit Leader, EPA Region VIII Air and Radiation Program, to Ursula Trueman, Director, Utah Division of Air Quality, explaining EPA's interpretation of nonsubstantive revision to definition of "PM₁₀ precursor."

(C) April 28, 1999 letter from Richard Sprott, Planning Branch Manager, Utah Division of Air Quality, to Larry Svoboda, Unit Leader, EPA Region VIII Air and Radiation Program, providing explanation for and background to the "PM₁₀ precursor" definition.

(D) August 26, 1999 fax from Jan Miller, Utah Division of Air Quality, to Cindy Rosenberg, EPA Region VIII Air and Radiation Program, transmitting documentation for effective date of the "PM₁₀ precursor" definition.

(44) On February 29, 2000, the Governor of Utah submitted revisions to Section XI of the SIP that incorporate a new transportation control measure for Utah County into the SIP and State regulation.

(i) Incorporation by reference.

(A) UACR R307-110-19, Section XI, Other Control Measures for Mobile Sources, as adopted on February 9, 2000, effective February 10, 2000.

(B) Revisions to Section XI of the Utah SIP, Other Control Measures for

Mobile Sources, adopted February 9, 2000, effective February 10, 2000.

(45) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide (“Carbon Monoxide Maintenance Provisions for Ogden City”) as submitted by the Governor on December 9, 1996, excluding section IX, part C.8.f.(3) of the plan, “Emissions Credit Allocation,” as EPA is not taking any action on that section of the plan. UACR R307–8; Oxygenated Gasoline Program as submitted by the Governor on July 8, 1998.

(i) Incorporation by reference.

(A) UACR R307–2–12, section IX, part C of the Utah State Implementation Plan (SIP), adopted by the Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996. EPA’s incorporation by reference of UACR R307–2–12 only extends to the following Utah SIP provisions and excludes any other provisions that UACR R307–2–12 incorporates by reference:

Section IX, part C.8 (except for section IX, part C.8.f.(3)), “Carbon Monoxide Maintenance Provisions for Ogden City,” adopted by Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996.

(B) UACR R307–8, Oxygenated Gasoline Program, as adopted by the Utah Air Quality Board on April 21, 1998, effective April 22, 1998.

(ii) Additional materials.

(A) February 19, 1998, letter from Ursula Trueman, Director, Utah Division of Air Quality, Department of Environmental Quality to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, entitled “DAQS–0188–98; Technical Support Documents—Ogden City and Salt Lake City CO Maintenance Plans.” This letter confirmed that all the emission projections contained in the technical support documents for both the Salt Lake City and Ogden City redesignation requests were properly adopted by the Utah Air Quality Board in accordance with the Utah Air Quality Rules.

(B) July 17, 2000, letter from Richard Long, Director, Air and Radiation Program, EPA Region VIII, to Ursula Kramer, Director, Utah Division of Air

Quality, Department of Environmental Quality, entitled “Federal Register Action for the Ogden City Carbon Monoxide (CO) Redesignation—Resolution of Issues with the Conformity Budgets.”

(C) September 11, 2000, letter from Rick Sprott, Acting Director, Utah Division of Air Quality, Department of Environmental Quality, to Richard Long, Director, Air and Radiation Program, EPA Region VIII, entitled “DAQP–131–00; Ogden City Carbon Monoxide (CO) Redesignation—Resolution of Issues with the Conformity Budgets.” This letter provided clarification regarding the transportation conformity budgets in section IX.C.8 of the Ogden City maintenance plan SIP revision.

(46) On April 19, 2000, the Governor of Utah submitted revisions to the State’s Air Conservation Regulations to update the definitions for “significant” and “volatile organic compound” to be in agreement with the federal definitions found at 40 CFR 51.166(23)(i) and 40 CFR 51.100(s)(1), July 1, 1998, respectively.

(i) Incorporation by reference.

(A) Utah Air Conservation Regulations section R307–101–2, definitions of “significant” and “volatile organic compound” (VOC), effective April 8, 1999.

(47) The Governor of Utah submitted a request to repeal sections R307–1–4.11 and R307–2–28, and revise R307–7 of the Utah Air Conservation Regulations (UACR) on June 17, 1998. R307–1–4.11 is removed from the SIP. No action was taken on the repeal of R307–2–28 because it was never approved into the SIP.

(i) Incorporation by reference.

(A) UACR R307–7 effective November 15, 1996.

(48) On August 14, 2001, the Governor of Utah submitted a revision to Utah’s SIP to update UACR R307–110–33, Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County. The changes involve a demonstration that Salt Lake County’s test and repair I/M network is as effective as a test only I/M network.

(i) Incorporation by reference.

(A) UACR R307–110–33, which incorporates by reference Utah SIP, Section

X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County and appendices 1.a, 1.b, and 1.c, adopted by the UAQB August 1, 2001 and State effective on August 2, 2001.

(49) On August 15, 2001, the Governor of Utah submitted a revision to Utah's SIP to update UACR R307-110-31, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability. This revision required the mandatory implementation of the inspection of vehicle On-Board Diagnostic (OBD) systems starting January 1, 2002 in all areas implementing an I/M program.

(i) Incorporation by reference.

(A) UACR R-307-110-31 which incorporates by reference Utah SIP, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability adopted by the UAQB on August 1, 2001 and State effective on August 2, 2001.

(50) The Governor of Utah submitted Rule R307-110-34 and Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County as part of the Utah State Implementation Plan on December 7, 2001.

(i) Incorporation by reference.

(A) Rule R307-110-34 and Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, including appendices 1 through 6, as adopted by the Utah Air Quality Board on August 1, 2001, effective October 2, 2001, published in the Utah State Bulletin issue of September 1, 2001.

(ii) Additional Material.

(A) Letter dated December 7, 2001 from Governor Michael O. Leavitt submitting Utah County's inspection and maintenance program state implementation plan revision.

(B) Evaluation of the Utah County Inspection/Maintenance Program, dated May 20, 1999.

(51) On May 13, 2002, the Governor of Utah submitted a revision to Utah's SIP involving a new rule R307-310 "Salt Lake County: Trading of Emission Budgets for Transportation Conformity." R307-310 allows trading from the motor vehicle emissions budget for primary Particulate Matter of 10 microns or less in diameter (PM_{10}) in the Salt Lake County PM_{10} SIP to the motor vehicle emissions budget for Ni-

trogen Oxides (NO_x) in the Salt Lake County PM_{10} SIP. This trading mechanism allows Salt Lake County to increase their NO_x budget in the Salt Lake County PM_{10} SIP by decreasing their PM_{10} budget by an equivalent amount. These adjusted budgets in the Salt Lake County PM_{10} SIP would then be used for transportation conformity purposes.

(i) Incorporation by reference.

(A) Rule R307-310 "Salt Lake County: Trading of Emission Budgets for Transportation Conformity", as adopted on May 13, 2002, by the Utah Air Quality Board, and State effective on May 13, 2002.

(52) [Reserved]

(53) On September 27, 2001, the Governor of Utah submitted a revision to Utah's SIP involving R307-301 "Utah and Weber Counties: Oxygenated Gasoline Program." Specifically, the State revised R307-301-3 "Average Oxygen Content Standard" to only require the implementation of a 2.7% oxygen by weight program and not a 3.1% program that the State had mandated in a 1998 revision.

(i) Incorporation by reference.

(A) Rule R307-301-3 "Average Oxygen Content Standard", as adopted on September 5, 2001, by the Utah Air Quality Board, and State effective on September 10, 2001. This rule supersedes and replaces R307-8-3.1.B.

(54) On July 3, 2002, the Governor of Utah submitted a SIP revision revising the SIP for the Utah County non-attainment area for particulates of 10 microns in size or smaller (PM_{10}). The Governor's submittal, among other things, revises the existing attainment demonstration in the approved PM_{10} SIP based on a short-term emissions inventory, establishes 24-hour emission limits for the major stationary sources in the Utah County PM_{10} nonattainment area and establishes motor vehicle emission budgets based on EPA's most recent mobile source emissions model, Mobile6.

(i) Incorporation by reference.

(A) Rule R307-110-10, which incorporates revisions to portions of the Utah State Implementation Plan, Section IX, "Control Measures for Area and Point Sources," Part A, "Fine Particulate Matter" as adopted on July 3,

2002, by the Utah Air Quality Board, and State effective on September 5, 2002. (Section IX of the Utah SIP was formerly designated Section 9. The revisions to Section IX, Part A we are incorporating by reference with this action do not replace Section 9, Part A entirely, but revise portions of Section 9.A.3., 9.A.6, 9.A.7, 9.A.8, 9.A.9 of the previously approved Utah SIP and add a new Section IX.A.10.)

(B) Rule R307-110-17, which incorporates revisions to portions of the Utah State Implementation Plan, Section IX, “Control Measures for Area and Point Sources,” Part H, “Emission Limits,” as adopted on June 5, 2002, by the Utah Air Quality, and State effective on September 5, 2002. (Section IX, Part H of the Utah SIP was formerly designated Section 9, Appendix A. The revisions to Section IX, Part H we are incorporating by reference with this action replace the following sections of Section 9, Appendix A of the previously approved Utah SIP: Section 1.1 (General Requirements (Utah County)) and all subsections thereof; Section 1.2 (Particulate Emission Limitations (company specific)) and all subsections thereof.)

(ii) Additional material.

(A) Letter dated August 9, 2002 from Richard Sprott, Director, Utah Division of Air Quality, to Richard Long, Director, Air and Radiation Program, EPA Region 8, transmitting the chronology of how the Utah County PM₁₀ SIP revision was adopted over two Utah Air Quality Board meetings (June 5, 2002 and July 3, 2002) and the justification for the nonsubstantive revisions made between the two adoption dates.

(B) Letter dated July 3, 2002 from Governor Michael O. Leavitt, State of Utah, to Robert E. Roberts, Regional Administrator, EPA Region 8, requesting EPA’s approval of the Utah State Implementation Plan for PM₁₀ in Utah County.

(C) Commitment letter dated April 18, 2002 from Richard Sprott, Director, Utah Division of Air Quality, to Richard Long, Director, Air and Radiation Program, EPA Region 8, committing to work with us to address remaining issues with the PM₁₀ SIPs for both the Utah and Salt Lake County nonattain-

ment areas and with the Utah SIP in general. Utah will address these ongoing issues in a SIP revision (which may be in the form of a maintenance plan) that will be submitted by March 1, 2004.

(D) Letter dated March 15, 2002 from, Richard Sprott, Director, Utah Division of Air Quality, to Richard Long, Director, Air and Radiation Program, EPA Region 8, accompanied by three volumes of Technical Support Documentation titled “Supplement II-02 to the Technical Support Documentation for the State Implementation Plan for PM₁₀” for the Utah County PM₁₀ SIP revision.

(E) Utah’s General Definition rule R307-101-2 as in effect at the time Utah adopted Section IX, Part H of the SIP revision on June 5, 2002.

(F) All portions of the July 3, 2002 Utah PM₁₀ SIP revision submittal, other than any documents or provisions mentioned in paragraph (c)(54)(i) of this section.

(55) [Reserved]

(56) On June 27, 1994 and April 28, 2000, the Governor of Utah submitted revisions to the State Implementation Plan. On December 31, 2002, the State of Utah submitted Supplemental Administrative Documentation. The June 27, 1994 submittal revises the numbering and format of Utah’s State Implementation Plan (SIP). The April 28, 2000 and December 31, 2002 submittals contain non-substantive changes to correct minor errors in the June 27, 1994 submittal. The provisions identified below are approved into the SIP and supersede and replace the corresponding prior codification of the provisions of the SIP.

(i) Incorporation by reference.

(A) Utah State Implementation Plan Section I; Section II; Section III (except III.C); Section IV; Section V; Section VI; Section VII (except VII.D); Section IX, Part IX.B (except the title, IX.B.3.a, IX.B.3.d, IX.B.3.e, and IX.B.4); Section IX, Parts C, E, F and G (except the titles); Section IX, Part D.1 (except for the title and IX.D.1.d (5)); Section XI (Appendix 1 and Appendix 2 only); Section XII; Section XIII; Section XIV (except Table IX.9); Section XV; Section XVI; Section XVII (except XVII.A,

XVII.D and XVII.E); Section XVIII (except XVIII.B); and Section XIX, effective 11/12/93.

(B) Utah State Implementation Plan Section IX, Part IX.B.3.d; Section IX, titles of Parts B, C, D.1, E, F and G; Section XIV, Table XIV.9; Section XVII, Parts XVII.A, XVII.D and XVII.E; and Section XVIII, Part XVIII.B, effective 2/25/2000.

(C) Utah State Implementation Plan Section III, Part III.C; Section VII, Part VII.D; Section VIII; Section IX, Parts IX.B.3.a, IX.B.3.e, IX.B.4, IX.C.7.b(3), IX.C.7.h(3), IX.C.8.b(3), IX.C.8.f(1)(a), IX.C.8.h(3)(a), IX.C.8.h(3)(c), IX.D.1.d(5), IX.D.2.b, IX.D.2.d(1)(a), IX.D.2.e(1), IX.D.2.f(1)(a), IX.D.2.h (except IX.D.2.h(2)), IX.D.2.i and IX.D.2.j; and Section XXII, effective January 1, 2003.

(ii) Additional Material.

(A) October 3, 2002 letter from Rick Sprott, Utah Department of Air Quality, to Richard Long, EPA Region VIII, to address typographical errors and missing pages in the January 27, 1994 submittal.

(B) [Reserved]

(57) On September 7, 1999 and February 11, 2003, the Governor of Utah submitted revisions to the SIP. The submittals revise Utah's Air Conservation Regulations (UACR), R307-170, Continuous Emission Monitoring Program, by repealing and re-enacting the rule to clarify requirements of the rule. The revisions are being approved into the SIP.

(i) Incorporation by reference.

(A) UACR R307-170, effective 4/1/1999, except sections R307-170-4, R307-170-5 and R307-170-9.

(B) UACR sections R307-170-4, R307-170-5 and R307-170-9, effective December 5, 2002.

(58) On November 9, 2001 and September 16, 2003 the State of Utah submitted revisions to its State Implementation Plan (SIP) to incorporate new and revise existing definitions in the new source review (NSR) rules. The revisions update the State's NSR rules so that they are consistent with the revisions EPA made to its NSR rules on July 21, 1992.

(i) Incorporation by reference.

(A) Revisions to the Utah Air Conservation Regulations, R307-101-2, the

definitions "Actual Emissions," "Clean Coal Technology," "Clean Coal Technology Demonstration Project," "Electric Utility Steam Generating Unit," "Emissions Unit," "Pollution Control Project," and "Representative Actual Annual Emissions," effective 7/12/01.

(B) Revisions to the Utah Air Conservation Regulations, R307-101-2, the definitions "Major Modification," "Reactivation of Very Clean Coal-Fired Electric Utility Steam Generating Unit," "Repowering," and "Temporary Clean Coal Technology Demonstration Project," effective 6/1/03.

(C) Revisions to the Utah Air Conservation Regulations, R307-405-1, the definition "Major Modification" effective 6/1/03.

(59) On February 5, 2001, October 26, 2000, September 20, 1999, September 7, 1999, two State Implementation Plan (SIP) revisions submitted February 6, 1996 and one on January 27, 1995, the State of Utah submitted SIP revisions that recodifies Utah's rules that had previously been approved into Utah's SIP; removed from Utah's SIP language that is obsolete or is generally not related to attainment of the National Ambient Air Quality Standards (NAAQS) and is therefore not appropriate to be in Utah's SIP; and arranged rules to allow for a more coherent SIP structure.

(i) Incorporation by Reference.

(A) Utah Administrative Code (UAC) rule sections: R307-101-1 and 2 with the exception of the definitions for "actual emissions," "major modification," "part 70 source," "significant," and "volatile organic compound" effective September 15, 1998; R307-102-1 through R307-102-6 effective September 15, 1998 and R307-102-1(2) effective August 3, 2000; R307-105-1 and R307-105-2 effective September 15, 1998, R307-107-1 through R307-107-6 effective September 15, 1998; R307-110-1 through R307-110-9, R307-110-11, R307-110-13 through R307-110-15, R307-110-18, R307-110-20 through R307-110-28, R307-110-30, and R307-110-32 effective September 15, 1998; R307-115-1 effective September 15, 1998; R307-130-1 through R307-130-4 effective September 15, 1998; R307-165-1 through R307-165-4 effective September 15, 1998; R307-201-1

through R307–201–3 effective September 15, 1998; R307–202–1 through R307–202–6 effective September 15, 1998; R307–203–1 through R307–203–3 effective September 15, 1998; R307–206–1 through R307–206–5 effective September 15, 1998; R307–302–1, R302–302–2 (except paragraph (4)) and R307–302–4 effective September 15, 1998; R307–305–1 through R307–305–7 effective September 15, 1998; R307–307–1 through R307–307–3 effective September 15, 1998; R307–325–1 through R307–325–4 effective September 15, 1998; R307–326–1 through R307–326–7 effective September 15, 1998; R307–327–1 through R307–327–3 effective September 15, 1998; R307–328–1 through R307–328–5 effective September 15, 1998; R307–335–1 through R307–335–4 effective September 15, 1998; R307–340–1 through R307–340–13 effective September 15, 1998; R307–341–1 through R307–341–3 effective September 15, 1998; R307–342–1 through R307–342–7 effective September 15, 1998; R307–401–9 and R307–401–10(1) effective September 15, 1998; R307–403–1 through R307–403–9 effective September 15, 1998; R307–405–1 through R307–405–8 effective September 15, 1998; R307–406–1 through R307–406–6 effective September 15, 1998; R307–413–7 effective September 15, 1998; and R307–414–1 through R307–414–3 effective September 15, 1998.

(ii) Additional Material.

(A) Outline for Utah's Rules Reorganization effective September 15, 1998.

(B) July 6, 2000 letter from Richard Long, EPA Region VIII to Ursula Kramer, Director, Utah Division of Environmental Quality requesting Utah to withdraw Utah SIP submittals dated April 30, 1998, October 9, 1998, and April 19, 2000.

(C) October 6, 2000 letter from Richard Long, EPA Region VIII to Rick Sprott, Acting Director, Utah Division of Air Quality (UDAQ) notifying UDAQ of an October 6, 1995 EPA memorandum (included with the October 6, 2000 letter) stating that Clean Air Act section 172(c)(9) pertaining to contingency measures requirements would not apply to PM₁₀ nonattainment areas that had attained the standard with at least 3 years of clean air quality and as long as the area continued to attain the standard.

(D) October 16, 2000 letter from Michael Leavitt, Governor of Utah to William Yellowtail, Regional Adminis-

trator, EPA Region VIII requesting the withdraw of Utah's SIP submittals dated April 30, 1998, October 9, 1998, and April 19, 2000.

(E) April 2, 2002 letter from Richard Long, EPA Region VIII to Rick Sprott, Director, Utah Division of Air Quality informing UDAQ of our intent to not act on Utah's SIP submittal dated October 26, 2000 and our intent to remove existing asbestos rule language (R701–1–8) from Utah's federally approved SIP.

(F) April 7, 2005 letter from Rick Sprott, Director, Utah Division of Air Quality agreeing with EPA on the exclusion of Utah rules R307–1–6, R307–121, R307–122, R307–135, R307–214, R307–215, R307–220, R307–221, R307–320, R307–332, R307–415, R307–417, and R307–1–8 from Utah's federally approved SIP.

(60) Revisions to the Utah State Implementation Plan, Section IX, Part C.7, “Carbon Monoxide Maintenance Provisions for Salt Lake City,” as submitted by the Governor on October 19, 2004; revisions to UAC R307–110–12, “Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide,” as submitted by the Governor on October 19, 2004; revisions to the Utah State Implementation Plan, Section X, “Vehicle Inspection and Maintenance Program, Part C, Salt Lake County,” as submitted by the Governor on October 19, 2004; and revisions to UAC R307–110–33, “Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County,” as submitted by the Governor on October 19, 2004.

(i) Incorporation by reference.

(A) UAC R307–110–12, as adopted by the Utah Air Quality Board on October 6, 2004, effective December 2, 2004. This incorporation by reference of UAC R307–110–12 only extends to the following Utah SIP provisions and excludes any other provisions that UAC R307–110–12 incorporates by reference: Section IX, Part C.7, “Carbon Monoxide Maintenance Provisions for Salt Lake City,” adopted by Utah Air Quality Board on October 6, 2004, effective December 2, 2004.

(B) UAC R307–110–33, “Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County,” as adopted by the Utah Air Quality Board

on October 6, 2004, effective October 7, 2004.

(61) Revisions to the Utah State Implementation Plan, Section IX, Part C.8, "Carbon Monoxide Maintenance Provisions for Ogden," as submitted by the Governor on November 29, 2004; revisions to UAC R307-110-12, "Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide," as submitted by the Governor on November 29, 2004; revisions to the Utah State Implementation Plan, Section X, "Vehicle Inspection and Maintenance Program, Part E, Weber County," as submitted by the Governor on November 29, 2004; and revisions to UAC R307-110-35, "Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County," as submitted by the Governor on November 29, 2004.

(i) Incorporation by reference.

(A) UAC R307-110-12, as adopted by the Utah Air Quality Board on November 3, 2004, effective January 4, 2005. This incorporation by reference of UAC R307-110-12 only extends to the following Utah SIP provisions and excludes any other provisions that UAC R307-110-12 incorporates by reference:

Section IX, Part C.8, "Carbon Monoxide Maintenance Provisions for Ogden," adopted by the Utah Air Quality Board on November 3, 2004, effective January 4, 2005.

(B) UAC R307-110-35, "Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County," as adopted by the Utah Air Quality Board on November 3, 2004, effective November 4, 2004.

(ii) Additional materials.

(A) A July 28, 2005 letter from Jan Miller, Utah Department of Environmental Quality, to Kerri Fiedler, EPA Region VIII, to address typographical errors in the November 29, 2004 submittal.

(B) An August 2, 2005 letter from Richard Sprott, Utah Department of Environmental Quality, to Gary House, Weber-Morgan Board of Health, addressing limits on Weber County authority to revise vehicle emission cutpoints.

(62) Revisions to the Utah State Implementation Plan, "Section IX, Part C.6, Carbon Monoxide Provisions for Provo," as submitted by the Governor

on April 1, 2004; revisions to UAC R307-110-12, "Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide," as submitted by the Governor on April 1, 2004; revisions to the Utah State Implementation Plan, "Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability," as submitted by the Governor on April 1, 2004; revisions to UAC R307-110-31, "Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability," as submitted by the Governor on April 1, 2004; revisions to the Utah State Implementation Plan, "Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County," as submitted by the Governor on April 1, 2004; revisions to UAC R307-110-34, "Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County," as submitted by the Governor on April 1, 2004; the removal of UAC R307-301 from the Federally-approved SIP as requested by the Governor on April 1, 2004; and UAC R307-302-3, and UAC R307-302-4, "No-Burn Periods for Carbon Monoxide" and "Violations," respectively, as submitted by the Governor on September 20, 1999.

(i) Incorporation by reference.

(A) UAC R307-110-12, as adopted by the Utah Air Quality Board on March 31, 2004, effective May 18, 2004. This incorporation by reference of UAC R307-110-12 only extends to the following Utah SIP provisions and excludes any other provisions that UAC R307-110-12 incorporates by reference: "Section IX, Part C.6, Carbon Monoxide Provisions for Provo," adopted by the Utah Air Quality Board on March 31, 2004, effective May 18, 2004.

(B) UAC R307-110-31, "Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability," as adopted by the Utah Air Quality Board on March 31, 2004, effective May 18, 2004.

(C) UAC R307-110-34, "Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County," as adopted by the Utah Air Quality Board on March 31, 2004, effective May 18, 2004.

(D) UAC R307-302-3, "No-Burn Periods for Carbon Monoxide," as adopted

by the Utah Air Quality Board on August 13, 1998, effective September 15, 1998.

(E) UAC R307-302-4, "Violations," as adopted by the Utah Air Quality Board on August 13, 1998, effective September 15, 1998.

(ii) Additional materials.

(A) An August 2, 2005 letter from Richard Sprott, Utah Department of Environmental Quality, to Jerry Grover, Utah County Commission, addressing limits on Utah County authority to revise vehicle emission cut-points.

(B) An August 19, 2005 letter from Richard Sprott, Utah Department of Environmental Quality, to Richard Long, EPA Region VIII, providing supplemental Technical Support Documentation to Volumes 11 and 12 of the State's Technical Support Document for the Provo area's carbon monoxide attainment demonstration and maintenance plan that was submitted by Governor Walker on April 1, 2004.

(C) A September 8, 2005 letter from Jan Miller, Utah Department of Environmental Quality, to Kerri Fiedler, EPA Region VIII, to address typographical errors in "Section X, Part D, Utah County Vehicle Emissions Inspection and Maintenance Program" that was submitted by Governor Walker on April 1, 2004.

(63) Revisions to the definition of "Volatile Organic Compounds," in UAC rule R307-101-2, as submitted by the Governor on November 11, 2005. Revisions to the definition of "Clearing Index," in UAC rule R307-101-2, as submitted by the Governor on November 23, 2005.

(i) Incorporation by reference.

(A) Utah Administrative Code rule R307-101-2, as adopted by the Utah Air Quality Board on July 6, 2005, effective on July 7, 2005. This incorporation by reference extends only to the definition of Volatile Organic Compounds and excludes any other provisions that R307-101-02 incorporates by reference.

(B) Utah Administrative Code rule R307-101-2, as adopted by the Utah Air Quality Board on September 7, 2005, effective on September 8, 2005. This incorporation by reference extends only to the definition of the Clearing Index and excludes any other provisions that R307-101-2 incorporates by reference.

(64) Revisions to State Implementation Plan were submitted by the State of Utah on February 7, 2006. The revisions are to the Utah Administrative Code to revise the continuous emission monitoring requirements for performance audits of acid rain monitors and to correct several typographical and grammatical errors.

(i) Incorporation by reference.

(A) Utah Administrative Code sections: R307-170-7(1); 307-170-4; *R307-170-5(1)(b)*; R307-170-5(7); R307-170-7(6); R307-170-7(6)(a) and (b); and in R307-170-9 sections (5)(a) and (d), (6)(b), (7)(a)(i), (7)(b), and (9)(a); effective January 5, 2006.

(65) On March 22, 2007 the Governor of Utah submitted the addition to the Utah Administrative Code (UAC) of Rule R307-110-36. This rule incorporates by reference Section XXIII, Interstate Transport, of the Utah State Implementation Plan (SIP). The Interstate Transport declaration satisfies the requirements of Section 110(a)(2)(D)(i) of the Clean Air Act (CAA). On September 17, 2007, the Governor of Utah also submitted an amendment to the UAC Rule R307-130-4, "Options," that removes from the text a typographical error. It removes the word "not" which had been accidentally placed in this rule.

(i) Incorporation by reference.

(A) Addition to the UAC of rule R307-110-36 that incorporates by reference Section XXIII, "Interstate Transport," of the Utah SIP. Rule R307-110-36 was adopted by the UAQB on February 7, 2007, effective February 9, 2007, and it was submitted by the Governor to EPA on March 22, 2007.

(B) Revision to UAC Rule R307-130-4, "Options." This revision removes from the text the word "not." The amended text was adopted by the UAQB on June 21, 2007, effective July 13, 2007, and it was submitted by the Utah Governor to EPA on September 17, 2007.

(ii) Additional material.

(A) Replacement page for UAC Rule R307-110-36 attached to the March 22, 2007 submittal letter by the Utah Governor to EPA. The new page correctly refers to Section XXIII of the Utah SIP instead of the incorrect reference to Section XXII included in the corresponding page submitted with the

Environmental Protection Agency

§ 52.2333

Administrative Documentation for Rule R307-110-36.

Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2320, see the List of CFR

§ 52.2321 Classification of regions.

The Utah plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Wasatch Front Intrastate	I	I	I	I	I
Four Corners Interstate	IA	IA	III	III	III
Utah Intrastate	III	III	III	III	III

[37 FR 10898, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

§ 52.2322 Extensions.

(a) The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Salt Lake County PM₁₀ nonattainment area. The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for two years (until December 31, 1996) the attainment date for the Utah County PM₁₀ nonattainment area.

(b) [Reserved]

[66 FR 32760, June 18, 2001]

§ 52.2323 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Utah's plan as meeting the requirements of section 110 of the Clean Air Act as amended in 1977. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

[45 FR 10765, Feb. 19, 1980]

§§ 52.2324-52.2330 [Reserved]

§ 52.2331 Attainment dates for national standards.

The attainment date for the secondary NAAQS for sulfur dioxide for

Salt Lake County and portions of Tooele County is December 31, 1994.

[61 FR 16062, Apr. 11, 1996]

§ 52.2332 Control Strategy: Ozone.

Determinations—EPA is determining that, as of July 18, 1995, the Salt Lake and Davis Counties ozone nonattainment area has attained the ozone standard based on air quality monitoring data from 1992, 1993, and 1994, and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Salt Lake and Davis Counties ozone nonattainment area, these determinations shall no longer apply.

[60 FR 36729, July 18, 1995]

§ 52.2333 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since section 26-24-16 of the Utah Code Annotated (1953), may preclude the release of emission data, as correlated with applicable emission limitations, under certain circumstances.

[37 FR 15090, July 27, 1972, as amended at 51 FR 40676, Nov. 7, 1986]